



RESTRICTION ELECTION FACSIMILE TRANSMISSION

FAX RECEIVED

AUG 23 2000

GROUP 1600

DATE: 28 August 2000

FROM/ATTORNEY: KIRSTEN AND EASON

FIRM: ELAN PHARMACEUTICAL RESEARCH CORPORATION

PAGES, INCLUDING COVERSHEET: 3

PHONE NUMBER: +353-1-7094041

OFFICIAL

TO EXAMINER: S. Devi

ART UNIT: 1645

SERIAL NUMBER: 09/386266

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: _____

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION. UNLESS THAT DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR, PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

#6 8/24/00 T. Gray a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of: David J. Brayden)	
Serial No.: 09/386,266)	Examiner: S. Devi
Filed: August 31, 1999)	Group Art Unit: 1645
For: "METHOD FOR INDUCING A CELL-MEDIATED)	
IMMUNE RESPONSE AND IMPROVED PARENTERAL)	
VACCINE FORMULATIONS THEREOF")	

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

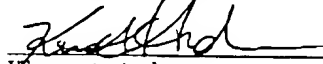
This is in response to the Office Action mailed August 1, 2000. Claims 1-34 are presently pending in this application. The Examiner submits that all claims are subject to a restriction requirement pursuant to 35 U.S.C. § 121. The Examiner states that restriction is required to one of the following inventions:

- I. Claims 1-6, and 15-20, drawn to a vaccine formulation comprising microparticles of an antigen entrapped by a biodegradable polymer and a method of inducing a T_H1 polarised immune response to an antigen by administering the same, classified in class 424, subclass 9.322;
- II. Claims 7-12 and 21-26, drawn to a vaccine formulation comprising nanoparticles of an antigen entrapped by a biodegradable polymer and a method of inducing a T_H2 polarised immune response by administering the same, classified in class 424, subclass 184.1;
- III. Claims 13 and 14, drawn to a method of inducing a combined T_H1 and T_H2 immune response to an antigen by administering the antigen entrapped by a biodegradable polymer to form microparticles and nanoparticles, classified in class 514, subclass 855;
- IV. Claims 27-34 drawn to a method of providing protective immunity against *B. pertussis* by administering microparticles or nanoparticles of a *B. pertussis* antigen entrapped by a biodegradable polymer, classified in class 424, subclass 254.1, respectively.

OFFICIAL

Applicants respectfully elect to prosecute Invention I in the present patent application without traverse and respectfully request that claims 7-14 and 21-34 be cancelled without prejudice as they are directed to inventions that have not been elected.

Respectfully submitted,

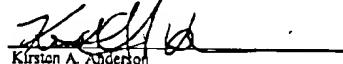


Kirsten A. Anderson

Registration No. 38,813

August 23, 2000

ELAN PHARMACEUTICAL
RESEARCH CORPORATION
1300 Gould Drive
Gainesville, GA 30504
Telephone: (770) 534-8239
File No.: 99.1080.US

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being via facsimile to the Assistant Commissioner of	
Patents and Trademarks, Washington, D.C. 20231, at (703) 308-4315	
on this <u>23</u> day of <u>August</u> 2000.	
	
Kirsten A. Anderson	